



NPDES GENERAL PERMIT
for
DISCHARGES ASSOCIATED WITH NONMETAL MINERAL
MINING FACILITIES

This permit authorizes discharges from mining facilities to waters of the State of South Carolina in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I through IX hereof. This permit is issued in accordance with the provisions of the Pollution Control Act of South Carolina (S. C. Code Sections 48-1-10 *et seq.*, 1976), Regulation 61-9, and with the provisions of the Federal Clean Water Act (PL 92-500), as amended, 33 U.S.C. 1251 *et seq.*, the "CWA."

Marion F. Sadler, Jr. , Director
Industrial, Agricultural, and Storm Water Permitting Division
Bureau of Water

Issued:

Expires:

Effective:

Permit No.: SCG730000

TABLE OF CONTENTS

PREFACE

Part I.	DEFINITIONS.....	4
Part II.	PERMIT COVERAGE.....	7
	A. Permit Area.	
	B. Eligibility.	
	C. Authorization.	
Part III.	NOTICE OF INTENT REQUIREMENTS.....	9
	A. Deadlines for Notification.	
	B. Contents of Notice of Intent.	
	C. Where to Submit.	
	D. Renotification.	
	E. Individual Applications.	
	F. Transfer of Ownership or Control.	
	G. Modification of Outfall(s) and Other Changes.	
Part IV.	MONITORING AND REPORTING REQUIREMENTS.....	11
	A. Facilities Required to Monitor.	
	B. Monitoring and Reporting.	
Part V.	STANDARD PERMIT CONDITIONS.....	17
	A. Duty to Comply.	
	B. Continuation of the Expired Permit.	
	C. Need to Halt or Reduce Activity not a Defense.	
	D. Duty to Mitigate.	
	E. Proper Operation and Maintenance.	
	F. Property Rights.	
	G. Duty to Provide Information.	
	H. Inspection and Entry.	
	I. Signatory Requirements.	
	J. Bypass.	
	K. Upset.	
	L. Misrepresentation of Information.	
	M. Change in Discharge.	

Part VI.	REVOCATION OF COVERAGE.....	23
A.	Requirements for an Individual Permit or an Alternative Permit.	
Part VII.	TERMINATION OF COVERAGE.....	24
A.	Notice of Termination.	
B.	Address.	
C.	Cancellation of the NPDES Permit Number.	
Part VIII.	SPECIAL CONDITIONS.....	25
A.	Best Management Practices Plan.	
B.	Chemical Addition.	
C.	Storm Water Pollution Prevention Plan.	
D.	Plan Modification.	
E.	Wastewater Discharge Sediment and Erosion Control.	
Part IX.	NUMERIC EFFLUENT LIMITATIONS.....	34
A.	Effluent Limitations and Monitoring Requirements for Discharges from Sand and Gravel Mines, Sand Mines, Dimension Stone Quarries, Crushed Stone Quarries, and other mines or quarries that the Department determines to be nonmetallic heavyweight aggregates.	
B.	Effluent Limitations and Monitoring Requirements for Discharges from Clay Pits, Fill Dirt Mines, Kaolin Pits, Vermiculite Mines, and other pits or mines that the Department determines to be nonmetallic lightweight aggregates.	

PREFACE.

The Clean Water Act (CWA) provides that discharges from storm water and/or from point sources to waters of the United States are unlawful, unless authorized by a National Pollutant Discharge Elimination System (NPDES) permit.

PART I. DEFINITIONS.

- A. **Administrator** means the EPA Regional Administrator or an authorized representative.
- B. The **arithmetic mean** of any set of values is the summation of the individual values divided by the number of individual values.
- C. **Best management practices** (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- D. **Closure** means the act of rendering a mine facility or portion of a mine facility to an inoperative state that prevents the gradual or sudden release of contaminants that are harmful to the environment.
- E. **Crushed stone** means rock or stone which has been reduced in size after mining to meet various consumer requirements.
- F. **CWA** means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, and Pub. L. 97-117, 33 U.S.C. 1251 *et seq.*
- G. **Daily maximum** is the highest average value recorded of samples collected on any single day during the monitoring period.
- H. **Department** means the South Carolina Department of Health and Environmental Control or an authorized representative.
- I. **Dimension stone** is rock or stone which has been specially cut or shaped for use in buildings, monuments, memorial and gravestones, curbing or other construction or special uses.
- J. **Domestic Sewage** is waste and wastewater produced from humans.
- K. **EPA** means the United States Environmental Protection Agency.
- L. A **grab sample** is an individual, discrete or single influent or effluent portion of at least 100 milliliters collected at a time representative of the discharge and over a period not exceeding 15 minutes and retained separately for analysis. Instantaneous flow measured at the time of grab sample collection shall be used to calculate quantity, unless a totalizer is used.

- M. The **instantaneous maximum or minimum** is the highest or lowest value recorded of all samples collected during the calendar month.
- N. **Mine** means an area of land or water, surface or underground, used for or resulting from the extraction of a mineral solid from natural deposits that are sold or consumed in the regular operation of a business.
- O. **Mine dewatering** means any water that is impounded or that collects in the mine and is pumped, drained or otherwise removed from the mine through the efforts of the mine operator. For sand and gravel mines and/or industrial sand mines, this term shall also include wet pit overflows caused solely by direct rainfall and ground water seepage. However, if a mine is also used for treatment of mine process generated wastewater, discharges of commingled water from the mine shall be deemed discharges of mine process generated wastewater.
- P. The **monthly average** is the arithmetic mean of all samples collected in a calendar month period.
- Q. **NOI** means Notice Of Intent (Form No. DHEC 3559) to be covered by this permit (see Part III of this permit.)
- R. **NOT** means Notice Of Termination to discontinue coverage by this permit (see Part VII of this permit.)
- S. **Point Source** means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.
- T. **Mine process generated wastewater** means any wastewater used in the slurry transport of mined material, air emissions control (excluding water used for dust suppression on roads which is evaporated or absorbed by soils such that no runoff to a receiving stream occurs), or processing exclusive of mining. The term shall also include any other water that becomes commingled with such waste water in a pit, pond, lagoon, mine or other facility used for treatment of such waste water. The term does not include waste water used for the suction dredging of deposits in a body of water and returned directly to the body of water without being used for other purposes or combined with other waste water.
- U. **Quarter** is defined as three calendar months beginning with January and each group of three calendar months thereafter. (January – March, April – June, July – September, and October – December)
- V. **Reclamation** means the reasonable rehabilitation of the affected land for useful purposes and the protection of the natural resources of the surrounding area. Although both the need for and the practicability of reclamation control the type and degree of reclamation in a specific instance, the basic objective is to establish on a continuing basis the vegetative cover, soil, stability, water conditions, and safety conditions appropriate to the area. Closure activities are a part of reclamation.
- W. **Storm Water** means storm water runoff, snow melt runoff, and surface runoff and drainage. Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations. Inactive mining operations are mining sites that are not

being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim.

- X. Upset** means an exceptional incident in which there is unintentional and temporary noncompliance with the numeric effluent limitations of Part IX of this permit because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- Y. Waters of the State** means lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the State, and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially within or bordering the State or within its jurisdiction.
- Z. Waters of the United States** means:
1. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
 2. All interstate waters, including interstate "wetlands";
 3. All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - a. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - c. Which are used or could be used for industrial purposes by industries in interstate commerce;
 4. All impoundments of waters otherwise defined as waters of the United States under this definition;
 5. Tributaries of waters identified in paragraphs (1) through (4) of this definition;
 6. The territorial sea; and
 7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (1) through (6) of this definition.
 8. Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA are not waters of the United States. This exclusion applies only to manmade bodies of water that neither were originally created in waters of South Carolina (such as disposal areas in wetlands) nor resulted from the impoundment of waters of South Carolina.

PART II. PERMIT COVERAGE.

A. Permit Area.

The permit covers all areas of South Carolina including Indian Lands.

B. Eligibility.

1.
 - a. This Permit may cover all new and existing point source discharges of mine dewatering, storm water and mine process wastewater, as noted below, to waters of South Carolina, from sand and gravel mines, sand mines, clay mines, fill dirt mines, kaolin mines, vermiculite mines, dimension stone quarries, or crushed stone quarries (or other types of nonmetallic mineral mines or quarries as approved by the Department on a case-by-case basis) except for discharges identified under Part II.B.2. Allowable mine process wastewaters include wash waters such as for classifying or washing of a mineral, water used in the slurry transport of a mineral, and other mine process wastewaters which do not involve use of chemicals unless approved by the Department. Allowable storm water includes runoff from any overburden, raw material, intermediate product, finished product, byproduct or waste product located on the site and which have not undergone chemical processing unless otherwise approved by the Department. Storm water from vehicle maintenance shops and truck washes may also be allowed if there are proper Best Management Practices, Storm Water Pollution Prevention Plans, or Spill Prevention Control or Countermeasures (SPCC) Plans (as appropriate) in place (See Part II. B. 2. h.). Small quantities of non-contact cooling water may also be covered, where the cooling water is either held or diluted by other waters such that the temperature of the water becomes ambient before discharge.
 - b. Dredging waters which are returned directly to the body of water without being used for other purposes or combined with other waste waters are not considered discharges, provided no water is added from another source and no chemicals were added. Discharges of dredged or fill material into waters of the United States, which are regulated under Section 404 of the CWA, do not require NPDES permits, and, thus, are not covered by this Permit.
 - c. Mining facilities which do not discharge mine dewatering or mine process generated wastewater as defined in Part I of this Permit shall be covered by this Permit in accordance with Regulation 61-9.122.26(a)(1)(ii) and Regulation 61-9.122.26(b)(14)(iii). These facilities must complete a NOI and coverage under this Permit must be granted prior to the start of mining operations. These facilities are covered under all parts of this Permit with the exception of Part IX. Numeric Effluent Limitations.
 - d. This Permit may authorize mine discharges that are mixed with other discharges provided that the other discharges are in compliance with the terms, including applicable NOI or application requirements, of a different NPDES general permit or individual permit authorizing such discharges.

2. Limitations on Coverage.

The following mine discharges are not authorized by this Permit:

- a. Mine discharges that are mixed with other discharges (other than storm water or mine process

wastewater) unless those discharges are in compliance with a different NPDES permit;

- b. Mine discharges that are subject to an existing NPDES permit or are located at a facility where an NPDES permit has been terminated or denied; or which are issued a permit in accordance with Part VI.A. (Requirements for Individual or Alternative General Permits) of this Permit. Such discharges may be authorized under this Permit after an existing permit expires or is canceled (permittees with existing individual permits may request that the permit be covered under the general permit prior to the expiration date, in such case the individual permit may be revoked and the general permit coverage issued);
- c. Mine discharges from a mine other than a sand, gravel, clay, fill dirt, kaolin, or vermiculite mine or dimension stone or crushed stone quarry (or other types of nonmetallic mineral mines as approved by the Department on a case-by-case basis);
- d. Mine discharges that the Department has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard;
- e. Mine discharges that would adversely affect a listed endangered or threatened species or its critical habitat;
- f. Mine discharges whose receiving waters are Outstanding Resource Waters or Trout Waters. FRESHWATER, Saltwaters (Class SA or SB) or Shellfish Harvesting Waters (where approved by the Department) as classified by SC Reg. 61-68, 61-69, *Water Classifications and Standards* and *Classified Waters* are allowed under this Permit unless otherwise determined by the Department.
- g. Discharges of domestic sewage;
- h. Storm water runoff from areas such as chemical or fuel storage areas, vehicle maintenance shops, truck washes or similar operations located on the mine site which do not have proper controls (proper controls shall include having in place effective Best Management Practices, Storm Water Pollution Prevention in accordance with the plans required in this Permit) to manage spills and/or to keep oils, greases, lubricants, fuels and other deleterious substances from entering surface or ground waters; and
- i. Discharges from other operations which are located on the mine site such as asphalt plants or concrete plants which would be considered to have a different Standard Industrial Classification (SIC) Code than SIC Code 14 series (Nonmetallic Minerals, except Fuels) unless in compliance with the terms of a different general or individual NPDES permit authorizing such discharges or otherwise approved by the Department.

C. Authorization.

1. Dischargers identified under this Permit must submit a Notice of Intent (NOI) using the NOI form (DHEC 3559) provided by the Department (or legible photocopy) as applicable in accordance with the requirements of Part III of this Permit to be authorized to discharge under this Permit.
2. The Department may deny coverage under this Permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information.

PART III. NOTICE OF INTENT REQUIREMENTS

A. Deadlines for Notification.

1. Except as provided in Parts III.A.2 (Late NOIs) and III. E (Transfer of Ownership or Control), individuals who intend to obtain coverage for a new or existing mine discharge under this Permit shall submit a Notice of Intent (NOI) in accordance with the requirements of this part at least thirty (30) days prior to proposed operation. . The Department may determine that a shorter time frame is acceptable on a case-by-case basis.
2. An operator of a mine discharge is not precluded from submitting a NOI in accordance with the requirements of this part after the effective date of this Permit. In such instances, the Department may bring an enforcement action for failure to submit an NOI in a timely manner or for any unauthorized discharges that have occurred.

B. Contents of Notice of Intent.

1. The Notice of Intent (see Part II.C.1. for required forms) shall be signed in accordance with Part V.I. (Signatory Requirements) of this Permit and shall include the following information:
 - a. Name of facility, facility contact, mailing address, and location of the facility for which the notification is submitted.
 - b. Up to four 4-digit Standard Industrial Classification (SIC) codes that best represent the principal products or activities provided by the facility along with a description of the material mined;
 - c. The operator's name, address, telephone number, and status as Federal, State, private, public or other entity;
 - d. The permit number of additional NPDES permits for any discharges (including other wastewater discharges) from the site that are currently, or have been previously, authorized by an NPDES permit, other existing or pending environmental permits including a mining permit;
 - e. A US Geological Survey (USGS) Topographical 7.5' or 15' Quadrant map (or 8.5" x 11" section of either map along with the name of the quadrant) showing the proposed point or points of discharge (outfalls) and ultimate receiving waters;
 - f. A list of the materials to be mined;
 - g. The name of the receiving water(s); latitude and longitude of all outfall(s) to the nearest 15 seconds;
 - h. Description of all operations contributing wastewater to the effluent including process wastewater, cooling water, groundwater and storm water runoff and an average flow for each, and any treatment provided. For a new facility, an indication of whether the owner or operator has existing quantitative data describing the concentration of pollutants in mine discharges, this data or estimates should be provided; existing facilities are required to submit at a minimum, quantitative data for pH, total

suspended solids, oil and grease (for quarries) and any other constituents of concern;

- i. Other pertinent information or clarifications concerning the mining facility which the permittee wishes to be considered.

C. Where to Submit.

Facilities which discharge must use the appropriate NOI form provided by the Department (or legible photocopy thereof). Forms are available by calling (803) 898-4300 or on the Department's web page www.scdhec.gov/eqc/admin/html/eqforms.html. NOI's must be signed in accordance with Part V.I. (Signatory Requirements) of this Permit. NOI's are to be submitted to the Department at the following address:

SC Department of Health and Environmental Control
NPDES/ND Permit Administration
Notice of Intent for Discharges Associated with Nonmetal Mineral Mining Facilities
2600 Bull Street
Columbia, SC 29201

D. Renotification

Upon issuance of a new general permit, the permittee may be required to notify the Department of its intent to be covered by the new general permit.

E. Individual Applications.

1. Any applicant eligible to apply for coverage under a general permit that has previously filed an individual application and has not received an NPDES permit can receive coverage under this general permit. To do so a letter and a completed NOI must be sent to the Department requesting coverage in lieu of an individual permit. Permittees with existing individual permits may request that its discharge be covered under the general permit prior to the expiration date, in such case the individual permit may be revoked and the general permit coverage issued.
2. Any owner or operator authorized by this Permit may request to be excluded from the coverage of this Permit by applying for an individual permit. The owner or operator shall submit an individual application (Form 1 and Form 2C, 2D or 2E and other relevant documents) with reasons supporting the request to the Department. Individual permit applications shall be submitted to the address in Part III.C. of this Permit. The request may be granted by the issuance of any individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request.

F. Transfer of Ownership or Control.

1. Coverage under a general permit may be transferred to another party under the following conditions:
 - a. The permittee notifies the Department of the proposed transfer at least thirty (30) days in advance of the proposed transfer date;
 - b. A written agreement is submitted to the Department between the existing and new permittee containing a specific date for the transfer of permit responsibility, coverage, and liability for violations up to that

date and thereafter; and

c. An NOI is filed by the new owner.

2. Transfers are not effective if, within thirty (30) days of receipt of proposal, the Department disagrees and notifies the current permittee and the new permittee of the intent to modify, revoke and reissue, or terminate the permit coverage and to require that a new application be filed.

G. Modification of Outfall(s) and Other Changes.

The permittee shall submit a new Notice of Intent, if the outfall location is to be moved, or a new outfall is added or the mine site is to be modified in any way that would affect the characteristics of a discharge covered by this Permit. For an outfall that is being terminated, a letter stating such will be needed. The Department will determine if the modification is acceptable and notify the permittee in writing as to continuing coverage under this Permit or that an individual permit will be necessary.

PART IV. MONITORING AND REPORTING REQUIREMENTS

A. Facilities Required to Monitor.

1. Facilities covered by this Permit which have mine dewatering and/or mine process generated wastewater discharges, as defined in Part I of this Permit, are required to conduct sampling and analysis of their mine discharges. All point source discharges of mine dewatering and mine process wastewater and those storm waters which become mixed with mine dewatering and/or mine process wastewater prior to discharge are required to be monitored.
2. Facilities covered by this Permit which have only non-mixed storm water discharges are not required to conduct sampling and analysis of the storm water runoff. Facilities with only storm water runoff must continue to meet all conditions of this Permit but are not required to monitor or report. However, the Department may determine on a case by case basis that certain storm waters which are not mixed with mine dewatering or mine process wastewater also require monitoring with specific numeric effluent limitations and reporting.

B. Monitoring and Reporting.

1. Representative Sampling.

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

2. Flow Measurements.

- a. Appropriate flow measurement devices and/or methods consistent with accepted scientific practices shall be present and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to ensure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than ±10% from the true discharge rates throughout the range of expected discharge volumes

- b. The permittee shall maintain at the permitted facility a record of the method(s) used in measuring the discharge flow for the outfall(s) designated on limits pages to monitor flow. Records of any necessary calibrations must also be kept. This information shall be made available for on-site review by Department personnel during normal working hours.
3. The permittee shall retain the BMP plan, Storm Water Pollution Prevention Plan, and any other plans developed in accordance with this Permit and records of all data used to complete the Notice of Intent to be covered by this Permit, at least one (1) year after coverage under this Permit terminates. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, and records of all data used to complete the application for this Permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.
4. Reporting Results.
 - a. Monitoring results shall be recorded on a Discharge Monitoring Report Form (EPA Form 3320-1) or other approved form. The form is to be signed by a person identified under Part V.I. The information from monthly and/or quarterly monitoring is to be recorded on the DMR form and maintained on-site no later than the 28th day of the month following the month and/or quarter coverage is granted. If no discharge occurs during a month, "NO DISCHARGE" shall be plainly labeled in the flow column and all other values marked "Not Applicable" or "N/A". These reports are to be submitted to the Department on an annual basis.
 - b. Permittees are required to submit monitoring results to the Department for results obtained during the reporting period running from July 1 to June 30 no later than the 28th day of the following July.
 - c. The first report may have less than twelve months of data. The reports shall also be available for on-site review by the Department. The Department may request submission of the Discharge Monitoring Report Forms prior to the required submission date.
5. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.

6.
 - a. Monitoring results for wastewater must be conducted according to test procedures approved under 40 CFR Part 136, equivalent test procedures approved by DHEC's Division of Laboratory Certification or other test procedures that have been specified in the permit.
 - b. Unless addressed elsewhere in this Permit, the permittee shall use a sufficiently sensitive analytical method that achieves a value below the derived permit limit stated in Part IX .

7. The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Permit shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two (2) years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four (4) years, or both.

8. Planned Changes.

The permittee shall give written notice to DHEC/Bureau of Water/Industrial, Agricultural and Storm Water Permitting Division as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in R 61-9.122.29(b); or
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Part II. of this Permit.

9. Anticipated Noncompliance.

The permittee shall give advance notice to the DHEC/Bureau of Water/Water Enforcement Division of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

10. Monitoring Reports.

Monitoring results shall be reported at the intervals specified elsewhere (see Part IV.B.4.) in this Permit.

- a. Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Department including the following:
 - i. Effluent Monitoring: Effluent monitoring results obtained at the required frequency shall be reported on a Discharge Monitoring Report Form (EPA Form 3320-1). The DMR is due postmarked no later than the 28th day of the month following the end of the annual reporting period. One original and one copy of the Discharge Monitoring Reports (DMRs) shall be submitted to:

S.C. Department of Health and Environmental Control
Bureau of Water/Compliance Assurance Division
Permit and Data Administration Section
2600 Bull Street
Columbia, South Carolina 29201

- ii. Groundwater Monitoring: Groundwater monitoring results obtained at the required frequency shall be reported on a Groundwater Monitoring Report Form (DHEC 2110) postmarked no later than the 28th day of the month following the end of the monitoring period. One original and one copy of the Groundwater Monitoring Report Form (DHEC 2110) shall be submitted to:

S.C. Department of Health and Environmental Control
Bureau of Water/Water Monitoring, Assessment and Protection Division
Groundwater Quality Section
2600 Bull Street
Columbia, South Carolina 29201

- iii. All other reports required by this Permit shall be submitted at the frequency specified elsewhere in the permit to:

S.C. Department of Health and Environmental Control
Bureau of Water/Water Enforcement Division
Water Pollution Enforcement Section
2600 Bull Street
Columbia, South Carolina 29201

- b. If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136, all valid results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. The permittee has sole responsibility for scheduling analyses, other than for the sample data specified in Part IX, so as to ensure there is sufficient opportunity to complete and report the required number of valid results for each monitoring period.
- c. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.

11. Twenty-four hour reporting

- a. The permittee shall report any non-compliance, which may endanger health or the environment. Any information shall be provided orally to local DHEC office within 24 hours from the time the permittee becomes aware of the circumstances. During normal working hours call:

County	EQC District	Phone No.
Anderson Oconee	Appalachia I	864-260-5569

Greenville Pickens	Appalachia II	864-241-1090
Cherokee, Spartanburg Union	Appalachia III	864-596-3800
Chester, Lancaster York	Catawba	803-285-7461
Fairfield, Lexington Newberry, Richland	Central Midlands	803-896-0620
Aiken, Allendale, Bamberg, Barnwell, Calhoun, Orangeburg	Edisto Savannah	803-641-7670
Beaufort, Colleton Hampton, Jasper	Low Country	843-846-1030
Chesterfield, Darlington, Dillon, Florence, Marion, Marlboro	Pee Dee	843-661-4825
Berkeley, Charleston Dorchester	Trident	843-740-1590
Abbeville, Edgefield, Greenwood Laurens, McCormick, Saluda	Upper Savannah	864-223-0333
Georgetown, Horry Williamsburg	Waccamaw	843-448-1902
Clarendon, Kershaw Lee, Sumter	Wateree	803-778-1531

After-hour reporting should be made to the 24-Hour Emergency Response telephone number 803-253-6488 or 1-888-481-0125 outside of the Columbia area. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances to the address in Part IV.B.10.a.iii. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

- b.** The following shall be included as information which must be reported within 24 hours under this paragraph.
 - i.** Any unanticipated bypass which exceeds any effluent limitation in the permit. (See R.61-9.122.44(g)).
 - ii.** Any upset which exceeds any effluent limitation in the permit.
 - iii.** Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours (See R 61-9.122.44(g)). If the permit contains maximum limitations for any of the pollutants listed below, a violation of the maximum limitations shall be reported orally to the DHEC/Bureau of Water/Water Enforcement Division within 24 hours or the next business day.

(a) Whole Effluent Toxicity (WET),

(b) tributyl tin (TBT), and

(c) any of the following bioaccumulative pollutants:

□ BHC	Lindane
□ BHC	Mercury
□ BHC	Mirex
BHC	Octachlorostyrene
Chlordane	PCBs
DDD	Pentachlorobenzene
DDE	Photomirex
DDT	1,2,3,4-Tetrachlorobenzene
Dieldrin	1,2,4,5-Tetrachlorobenzene
Hexachlorobenzene	2,3,7,8-TCDD
Hexachlorobutadiene	Toxaphene

c. The Department may waive the written report on a case-by-case basis for reports under Part IV.B.11.b. if the oral report has been received within 24 hours.

12. Other noncompliance.

The permittee shall report all instances of noncompliance not reported previously at the time monitoring reports are submitted. The reports shall contain the information listed in Part IV.B.5. of this section.

13. Other information.

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information to the Industrial, Agricultural and Storm Water Permitting Division. This information may result in permit modification, revocation and reissuance, or termination in accordance with Regulation 61-9.

14. Existing manufacturing, commercial, mining, and silvicultural dischargers.

All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the DHEC/Bureau of Water/Water Enforcement Division of the Department as soon as they know or have reason to believe:

a. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following “notification levels”:

i. One hundred micrograms per liter (100 µg/l);

ii. Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

- iii. Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
 - iv. The level established by the Department in accordance with section R.61-9.122.44(f).
- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant, as listed in Section 307(a)(1) of the Clean Water Act, which is not limited in the permit, if that discharge will exceed in the highest of the following notification levels:
- i. Five hundred micrograms per liter (500 µg/l);
 - ii. One milligram per liter (1 mg/l) for antimony;
 - iii. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with R.61-9.122.21(g)(7).
 - iv. The level established by the Department in accordance with section R.61-9.122.44(f).

PART V. STANDARD PERMIT CONDITIONS

A. Duty to Comply.

1. The permittee must comply with all conditions of this Permit. Any permit noncompliance constitutes a violation of CWA and the S.C. Pollution Control Act and is grounds for enforcement action; for permit coverage termination, revocation and reissuance of an individual permit; or for denial of coverage on a permit renewal application.
2. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
3. It is the responsibility of the permittee to have a treatment system that will meet the final effluent limitations of this Permit. The approval of plans and specifications by the Department does not relieve the permittee of responsibility for compliance.
4. Failure to comply with permit conditions or the provisions of this Permit may subject the permittee to civil penalties under S.C. Code Section 48-1-330 or criminal sanctions under S.C. Code Section 48-1-320. Sanctions for violations of the Federal Clean Water Act may be imposed in accordance with the provisions of 40 CFR Part 122.41(a)(2) and (3).
5. A permittee who violates any provision of this Permit, a term, condition or schedule of compliance contained within this NPDES permit, or the State law is subject to the actions defined in the State law.

B. Continuation of the Expired Permit.

This Permit expires on the date specified on the cover page of this Permit. However, coverage under an expired permit continues in force and effect until a new permit is issued.

C. Need to Halt or Reduce Activity not a Defense.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the conditions of this Permit.

D. Duty to Mitigate.

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this Permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper Operation And Maintenance.

1. The permittee shall at all times properly operate and maintain in good working order and operate as efficiently as possible all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the terms and conditions of this Permit. Proper operation and maintenance includes effective performance based on design facility removals, adequate funding, adequate operator staffing and training and also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
2. To maintain compliance with effluent limitations and prohibitions of this Permit, the permittee shall either:
 - a. provide an alternative power source sufficient to operate the wastewater control facilities;
 - b. or have a plan of operation which will halt, reduce, or otherwise control production and/or all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.
3. If a treatment system is utilized, the permittee shall maintain at the permitted facility a complete Operations and Maintenance Manual for the waste treatment system. The manual shall be made available for on-site review during normal working hours. The manual shall contain operation and maintenance instructions for all equipment and appurtenances associated with the waste treatment system and/or land application system. The manual shall contain a general description of the treatment process(es), operating characteristics that will produce maximum treatment efficiency and corrective action to be taken should operating difficulties be encountered.

a. Operator Requirements:

If a treatment system is utilized, the permittee shall provide for the performance of treatment operation inspections by a certified operator of the appropriate grade. The grade of the operator and

the frequency of these inspections will be designated in the applicable construction permit issued per R.61-67.

b. Inspection Requirements:

- i. The inspection shall include, but is not limited to, areas which require a visual observation to determine efficient operations and for which immediate corrective measures can be taken using the O & M Manual as a guide.
- ii. All inspections shall be recorded and shall include the date, time of the inspection, and name of the person making the inspection, corrective measures taken, and routine equipment maintenance, repair, or replacement performed. The permittee shall maintain all records of inspections at the permitted facility as required by this Permit. Records shall be made available for on-site review during normal working hours.

c. Exceptions:

The Department may make exceptions to operating requirements, as follows:

- i. Attendance by the certified operator of the appropriate grade (“the operator”) is normally required only on days when treatment or discharge occurs.
- ii. For performance of daily inspections, permits may allow a reduced grade of operator for limited time periods under specific circumstances when justified by the permittee in a staffing plan approved by the Department.
- iii. Reduced inspection frequency, but in no case less than weekly, may be suitable, if there is a complete telemetry of operating data and there is either a simple treatment system with a low potential for toxicity but requiring pumps or other electrical functions or the ability to stop the discharge for an appropriate period when necessary.
- iv. In other circumstances where the permittee demonstrates the capability to evaluate the facility in an alternative manner equivalent to the inspection requirements in Part V.E.3.b.
- v. Any exceptions allowed under i., ii, iii, and iv above must be requested in writing to the address included in Part IV.B.

- 4. Under any of these options, the permittee may not be relieved from the requirement to have a certified operator. Section 48-1-110(c) of the South Carolina Pollution Control Act (SC Code of Laws, 1987, Chap. 1, Title 48) requires a certified operator for all wastewater treatment of systems. The Department must approve, in writing, any request for an exception noted in Part V.E.3.c. In no case will an inspection by a certified operator be allowed less than once per calendar month.
- 5. The name and grade of the operator of record shall be submitted to DHEC/Bureau of Water/Water Enforcement Division prior to placing the facility into operation. A roster of operators associated with the facility's operation and their certification grades shall also be submitted with the name of the “operator-in-charge”. Any changes in operator or operators shall be submitted to the Department as they occur.

F. Property Rights.

The issuance of coverage under this Permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

G. Duty to Provide Information.

The permittee shall furnish to the Department, within a reasonable time as specified by the Department, any information which the Department may request to determine whether cause exists for revoking or terminating coverage under this Permit or to determine compliance with this Permit. The permittee shall also furnish to the Department upon request copies of records required to be kept by this Permit.

H. Inspection and Entry.

The permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the Department), upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and Pollution Control Act, any substances or parameters at any location.

I. Signatory requirement.

1. All applications, reports, or information submitted to the Department shall be signed and certified.
 - a. Applications. All permit applications shall be signed as follows:
 - i. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
 - (b) The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - ii. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

iii. For a municipality, State, Federal, or other public agency or public facility: By either a principal executive officer, mayor, or other duly authorized employee or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

(a) The chief executive officer of the agency, or

(b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator, Region IV, EPA).

b. All reports required by permits, and other information requested by the Department, shall be signed by a person described in Part V.I.1.a of this section, or by a duly authorized representative of that person. A person is a duly authorized representative if:

i. The authorization is made in writing by a person described in Part V.I.1.a of this section;

ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,

iii. The written authorization is submitted to the Department.

c. If an authorization under Part V.I.1.b. of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part V.I.1.b. of this section must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

d. Any person signing a document under Part V.I.1.a. or b. of this section shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

2. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

J. Bypass

- 1.** Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Part V.K.2. & 3.
- 2.** Notice.
 - a.** Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten days before the date of the bypass to the DHEC/Bureau of Water/Industrial, Agricultural and Storm Water Permitting Division.
 - b.** Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass in compliance with Part IV.B.11.b.i.
- 3.** Prohibition of bypass
 - a.** Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:
 - i.** Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii.** There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - iii.** The permittee submitted notices as required under Part V.K.2.
 - b.** The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in Part V.J.3.

K. Upset.

- 1.** An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Part V.K.2. are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- 2.** A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a.** An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b.** The permitted facility was at the time being properly operated; and

- c. The permittee submitted notice of the upset as required in Part IV.B.11.b.ii.
 - d. The permittee complied with any remedial measures required under Part V.D of this section.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

L. Misrepresentation of Information

- 1. Any person making application for a NPDES discharge permit or filing any record, report, or other document pursuant to a regulation of the Department, shall certify that all information contained in such document is true. All application facts certified to by the applicant shall be considered valid conditions of the permit issued pursuant to the application.
- 2. Any person who knowingly makes any false statement, representation, or certification in any application, record, report, or other documents filed with the Department pursuant to the State law, and the rules and regulations pursuant to that law, shall be deemed to have violated a permit condition and shall be subject to the penalties provided for pursuant to 48-1-320 or 48-1-330.

M. Change in Discharge.

All discharges authorized herein shall be consistent with the terms and conditions of this Permit. The discharge of any pollutant identified in this Permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit. Any planned facility expansions, production increases, or process modifications which will result in a new or different discharge of pollutants must be reported by submission of a individual NPDES application or, if such changes will not violate the effluent limitations specified in this Permit, by notice to the Department of such changes. Following such notice, the permittee may be required to obtain an individual NPDES permit for the discharge.

Part VI REVOCATION OF COVERAGE

A. Requirements for an Individual Permit or an Alternative General Permit.

- 1. This Permit may be revoked at the request of any interested person (including the permittee) or upon the Department's initiative. However, this Permit may only be revoked after notice and for the reasons specified in R.61-9.122.62. All requests shall be in writing and shall contain facts or reasons supporting the request.
- 2. If the Department decides the request is not justified, it shall send the requester a brief written response giving a reason for the decision. Denials of request for revocation are not subject to public notice, comment, or hearings.
- 3. If the Department tentatively decides to revoke this Permit, it may require any owner or operator authorized to discharge under this Permit to apply for an individual NPDES permit or an alternative NPDES general permit. In such case, the owner or operator will be notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit or the alternative general permit as it applies to the individual permittee,

coverage under this Permit shall automatically terminate. Permit applications shall be submitted to the address shown in Part III.C. (Where to Submit) of this Permit. The Department may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual NPDES permit application or an alternative NPDES general permit application as required by the Department, then the applicability of this Permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal.

4. When an individual NPDES permit is issued to an owner or operator otherwise subject to this Permit, or the owner or operator is authorized for coverage under an alternative NPDES general permit, the applicability of this Permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an owner or operator otherwise subject to this Permit, or the owner or operator is denied for coverage under an alternative NPDES general permit, the applicability of this Permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Department.
5. If there is evidence indicating potential or realized impacts on water quality due to any mine discharges covered by this Permit, the owner or operator of such discharge may be required to obtain an individual permit or an alternative general permit.
6. Permit revocation of coverage will be conducted according to S.C. Pollution Control Act and S.C. Regulation 61-9.

Part VII. TERMINATION OF COVERAGE

A. Notice of Termination.

Where all mine discharges authorized by this Permit are eliminated, the operator of the facility may submit a Notice of Termination that is signed in accordance with Part V.I. (Signatory Requirements) of this Permit. The Notice of Termination shall include the following information:

1. Name, mailing address, and location of the facility for which the notification is submitted. Where a mailing address for the site is not available, the location can be described in terms of the latitude and longitude of the facility to the nearest 15 seconds that the facility is located in;
2. Up to four 4-digit SIC codes that best represent the principal products or activities provided by the facility;
3. The operator's name, address, telephone number, ownership status and status as Federal, State, private, public or other entity;
4. The NPDES permit for the mine discharges identified by the Notice of Termination; and
5. The following certification signed in accordance with Part V.I. (Signatory Requirements) of this Permit:

"I certify under penalty of law that all mine discharges from the identified facility that are authorized by the NPDES permit have been eliminated. I understand that by submitting this notice of termination, that I am no longer authorized to discharge under this Permit, and that discharging pollutants from mine discharges to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit."

B. All Notices of Termination are to be sent to the following address:

SC Department of Health and Environmental Control
NPDES/ND Permit Administration
Notice of Termination – Mine Discharges General Permit
2600 Bull Street
Columbia, SC 29201

C. Cancellation of the NPDES Permit Number.

Upon completing Department approved reclamation of the site, the assigned NPDES permit number will be cancelled. The Department will provide written notification of this cancellation to the permittee.

Part VIII. SPECIAL CONDITIONS

A. Best Management Practices Plan.

1. The permittee shall develop and implement a Best Management Practices (BMP) Plan, or update and maintain an existing plan, to identify and control the discharge of significant amounts of oils and the hazardous and toxic substances listed in 40 CFR Part 117 and Tables II and III of Appendix D to 40 CFR Part 122. The plan shall include a listing of all potential sources of spills or leaks of these materials, a method for containment, a description of training, inspection and security procedures, and emergency response measures to be taken in the event of a discharge to surface waters, or it shall include plans and/or procedures which constitute an equivalent BMP. Sources of such discharges may include materials storage areas; in-plant transfer, process and material handling areas; loading and unloading operations; plant site runoff; and sludge and waste disposal areas. The BMP plan shall be developed in accordance with good engineering practices, shall be documented in narrative form, and shall include any necessary plot plans, drawings, or maps.
2. Where no previous permit issued for the site has required a BMP plan, the BMP plan shall be developed no later than six months after the effective date of coverage of this Permit, and shall be implemented no later than one year after the effective date of coverage of this Permit. Where a plan has been required under a previous permit to the facility and after implementation of a plan, appropriate changes to the plan shall be developed and implemented before facility changes are put into operation.
3. The BMP plan shall be maintained at the plant site and shall be available for inspection by EPA and Department personnel.
4. The BMP plan may be incorporated into the Storm Water Pollution Prevention Plan (and Spill Prevention, Control and Countermeasure (SPCC) Plan, if required) as long as requirements for all plans are met.

B. Chemical Addition.

Approval from the Department must be obtained prior to chemical addition or other types of treatment to maintain compliance with the NPDES permit. A determination will be made by the Department as to whether the discharge can still be covered under this Permit and a construction permit, per R.61-67, may be required for any type of treatment system.

C. Storm Water Pollution Prevention Plans (SWPPP)

- 1.** A storm water pollution prevention plan shall be developed and implemented for each facility covered by this Permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to prevent the discharge of pollutants via storm water discharges and via authorized non-storm water discharges at the facility, and to assure compliance with the terms and conditions of this Permit. Dischargers must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this Permit. All documents related to plan development, implementation, and compliance shall be orderly and logically arranged with a plan outline related to compliance with specific requirements of the Permit. The SWPPP shall be kept and maintained together.
- 2.** Deadlines for Plan Preparation and Compliance.

 - a.** Except as provided in paragraphs b. and c. of this subpart, the plan shall be prepared prior to the NOI being submitted to the Department, and the plan shall provide for implementation and compliance with the terms of the plan prior to commencement of regulated activities at the site.
 - b.** Upon a showing of good cause, the Department may establish a later date in writing for preparing and complying with a plan for a storm water discharge, where an NOI is submitted in accordance with Part III.
 - c.** Where the Department notifies a discharger that its storm water discharges are authorized under this Permit, the Department may specify in the notice the time for preparation, implementation, and compliance with the plan, and the plan shall be prepared and in accordance with these requirements. Where the Department does not specify in the notice a time for preparation, implementation, and compliance with the plan, the plan shall be prepared and shall provide for implementation and compliance with the plan within thirty (30) days of the date of the notice.
- 3.** Signature and Plan Review

 - a.** The plan shall be signed in accordance with Part V.I., and be retained on-site at the facility which generates the storm water discharge in accordance with Part IV.B.3. of this Permit.
 - b.** The permittee shall make plans available upon request to the Department.
 - c.** The Department may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this part. Within 30 days of such notification from the Department (or as otherwise provided by the Department) or authorized representative, the permittee shall make the required changes to the plan and shall submit to the Department a written certification that the requested changes have been made.

4. Keeping Plans Current.

The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to the waters of South Carolina or if the storm water pollution prevention plan proves to be ineffective in eliminating or adequately minimizing pollutants, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges. Amendments to the plan may be reviewed by the Department in the same manner as described in Part VIII.C.3.b.

5. Contents of Plan.

The plan shall include, at a minimum, the following items:

- a.** Each plan shall identify a specific individual or individuals within the facility organization as members of a storm water pollution prevention team that are responsible for developing the storm water pollution prevention plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.
- b.** Each plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials which are potentially significant pollutant sources. Each plan shall include, at a minimum:

- i. Drainage.**

- (a)** A site map indicating an outline of the portions of the drainage area of each storm water outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under paragraph 3 (Spills and Leaks) of this subpart have occurred, and the locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for the treatment, storage, or disposal of wastes, liquid-storage tanks, processing areas and storage areas. The site map shall either include exclusively or emphasize the features described in this paragraph.
 - (b)** For each area of the facility that generates industrial storm water discharges with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants which are likely to be present in industrial storm water discharges. Factors to consider include the toxicity of chemicals; quantity of chemicals used, produced, or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants. Flows with a significant potential for causing erosion shall also be identified.

- ii.** An inventory of the types of materials handled at the site that may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled,

treated, stored, or disposed in a manner to allow exposure to storm water between the time of three years prior to the date of the issuance of this permit and the present; method and location of on-site storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff between the time of three years prior to the date of the issuance of this permit and the present; the location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.

- iii. A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility within three years prior to the effective date of this permit. Such list shall be updated as appropriate during the term of the permit.
- iv. A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit.
- v. A narrative description of the potential pollutant sources at the following areas: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust- or particulate-generating processes; and on-site waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and, for each potential source, any pollutant or pollutant parameter (e.g., biochemical oxygen demand, etc.) of concern shall be identified.

c. Measures and Controls.

Each facility covered by this Permit shall develop a description of storm water management controls appropriate for the facility and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:

- i. Good housekeeping requires the maintenance of areas which may contribute pollutants to storm waters discharges in a clean, orderly manner.
- ii. A preventive maintenance program shall involve timely inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters and ensuring appropriate maintenance of such equipment and systems.
- iii. Areas where potential spills which can contribute pollutants to storm water discharges can occur and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specifying material handling procedures and storage requirements and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean-up should be available to personnel.
- iv. In addition to or as part of the comprehensive site evaluation required under Part VIII.C.6.

(Comprehensive Evaluation of Site Compliance), qualified facility personnel shall be identified to inspect designated equipment and areas of the facility at appropriate intervals specified in the plan. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained.

- v. Employee training programs shall inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management at all levels of responsibility of the components and goals of the SWPPP. Training should address topics such as spill response, good housekeeping and material management practices. A pollution prevention plan shall identify periodic dates for such training.
- vi. A description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges shall be included in the plan required under this part. Inspections and maintenance activities shall be documented, and records of such activities shall be incorporated into the plan.
- vii. The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion. This permit or this item does not cover storm water discharges from construction activity as defined at S.C. R.61-9.122.26(b)(14)(x) (disturbing five [5] acres or more) or (b)(15) (small construction activity). Such construction requires separate permitting.

d. Management of Runoff.

The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the generation or source[s] of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide that measures determined to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices.

6. Comprehensive Evaluation of Site Compliance.

Qualified personnel shall conduct evaluations of site compliance at appropriate intervals specified in the plan, but no less than once a year, except as provided in Part VIII.C.6.d. Such evaluations shall provide:

- a. Areas contributing to a storm water discharge shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment,

shall be made.

- b. Based on the results of the inspection, the description of potential pollutant sources identified in the plan in accordance with Part VIII.C.5.b. of this part and pollution prevention measures and controls identified in the plan in accordance with Part VIII.C.5.c. (Measures and Controls) of this Part shall be revised as appropriate within two weeks of such inspection and shall provide for implementation of any changes to the plan in a timely manner but in no case more than twelve weeks after the inspection.
- c. A report summarizing the scope of the inspection, personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with Part VIII.C.6.d. of this paragraph shall be made and retained as part of the storm water pollution prevention plan for at least one year after coverage under this permit terminates. The report shall be signed in accordance with R.61-9.122.22 and 41(k), Appendix B (signatory requirements) of this permit.
- d. Where annual site inspections are shown in the plan to be impractical for inactive mining sites due to the remote location and inaccessibility of the site, site inspections required under this subpart shall be conducted at appropriate intervals specified in the plan, but in no case less than once in three years.

7. Consistency with Other Plans.

- a. The permittee may incorporate the storm water pollution prevention plan requirements specified in Part VIII.C., the best management practices (BMP) plan requirements specified in Part VIII.A., and, if applicable, the spill prevention, control, and countermeasure (SPCC) requirements developed for a facility under section 311 of the CWA into one site plan, as long as the requirements for all plans are met.
- b. In addition to the applicable requirements of this Permit, dischargers covered by this Permit must comply with applicable requirements in municipal storm water management programs developed under NPDES permits issued for the discharge of the municipal separate storm sewer system (MS4) that receives the facility's discharge, provided the discharger has been notified of such conditions.

8. In addition to the requirements of Part VIII.C.5.a. – d. and other applicable conditions of this Permit, storm water pollution prevention plans for facilities subject to reporting requirements under SARA Title III, Section 313 for chemicals which are classified as "Section 313 water priority chemicals, shall describe and ensure the implementation of practices which are necessary to provide for conformance with the following guidelines:

- a. In areas where Section 313 water priority chemicals are stored, processed, or otherwise handled, appropriate containment, drainage control, and/or diversionary structures shall be provided. At a minimum, one of the following preventive systems or its equivalent shall be used:
 - i. Curbing, culverting, gutters, sewers, or other forms of drainage control to prevent or minimize the potential for storm water run-on to come into contact with significant sources of pollutants; or
 - ii. Roofs, covers, or other forms of appropriate protection to prevent storage piles from exposure to storm water and wind.

- b.** In addition to the minimum standards listed, the storm water pollution prevention plan shall include a complete discussion of measures taken to conform with the following applicable guidelines, other effective storm water pollution prevention procedures, and applicable State rules, regulations, and guidelines:
- i.** Liquid storage areas where storm water comes into contact with any equipment, tank, container, or other vessel used for Section 313 water priority chemicals:
 - (a)** No tank or container shall be used for the storage of a Section 313 water priority chemical unless its material(s) and construction are compatible with the material stored and conditions of storage such as pressure and temperature, etc.
 - (b)** Liquid storage areas for Section 313 water priority chemicals shall be operated to minimize discharges of Section 313 chemicals. Appropriate measures to minimize discharges of Section 313 chemicals may include secondary containment provided for at least the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation, a strong spill contingency and integrity testing plan, and/or other equivalent measures.
 - ii.** Material storage areas for Section 313 water priority chemicals other than liquids which are subject to runoff, leaching, or wind shall incorporate drainage or other control features which will minimize the discharge of Section 313 water priority chemicals by reducing storm water contact with Section 313 water priority chemicals.
 - iii.** Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals shall be operated to minimize discharges of Section 313 water priority chemicals. Appropriate measures to minimize discharges of Section 313 chemicals may include the placement and maintenance of drip pans (including the proper disposal of materials collected in the drip pans) where spillage may occur (such as hose connections, hose reels, and filler nozzles) for use when making and breaking hose connections; a strong spill contingency and integrity testing plan; and/or other equivalent measures.
 - iv.** Areas where Section 313 water priority chemicals are transferred, processed, or otherwise handled. Processing equipment and materials handling equipment shall be operated so as to minimize discharges of Section 313 water priority chemicals. Materials used in piping and equipment shall be compatible with the substances handled. Drainage from process and materials handling areas shall minimize storm water contact with section 313 water priority chemicals. Additional protection such as covers or guards to prevent exposure to wind, spraying, or releases from pressure relief vents from causing a discharge of Section 313 water priority chemicals to the drainage system, and overhangs or door skirts to enclose trailer ends at truck loading/unloading docks shall be provided as appropriate. Visual inspections or leak tests shall be provided for overhead piping conveying Section 313 water priority chemicals without secondary containment.
 - v.** Drainage from areas covered by paragraphs i, ii, iii, or iv of this subpart should be restrained by valves or other positive means to prevent the discharge of a spill or other excessive leakage of Section 313 water priority chemicals. Where containment units are employed, such units

may be emptied by pumps or ejectors; however, these shall be manually activated.

- (a)** Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment areas should, as far as is practical, be of manual open-and-closed design.
 - (b)** If facility drainage is not engineered as above, the final discharge of all in-facility storm sewers shall be equipped to be equivalent, with a diversion system that could, in the event of an uncontrolled spill of Section 313 water priority chemicals, return the spilled material to the facility.
 - (c)** Records shall be kept of the frequency and estimated volume (in gallons) of discharges from containment areas.
- c.** Areas of the facility not addressed in paragraphs b.i., b.ii, b.iii, and b.iv. above from which runoff which may contain Section 313 water priority chemicals, or where spills of Section 313 water priority chemicals could cause a discharge, shall incorporate the necessary drainage or other control features to prevent discharge of spilled or improperly disposed material and ensure the mitigation of pollutants in runoff or leachate.
- d.** All areas of the facility shall be inspected at specific intervals identified in the plan for leaks or conditions that could lead to discharges of Section 313 water priority chemicals or direct contact of storm water with raw materials, intermediate materials, waste materials or products. In particular, facility piping, pumps, storage tanks and bins, pressure vessels, process and material handling equipment, and material bulk storage areas shall be examined for any conditions or failures which could cause a discharge. Inspection shall include examination for leaks, wind blown material, corrosion, support or foundation failure, or other forms of deterioration or escape. Inspection intervals shall be specified in the plan and shall be based on design and operational experience. Different areas may require different inspection intervals. Where a leak or other condition is discovered which may result in significant releases of Section 313 water priority chemicals to the drainage system, corrective action shall be taken immediately or the unit or process shut down until corrective action can be taken. When a leak or escape of a Section 313 water priority chemical has occurred, contaminated soil, debris, or other material must be promptly removed and disposed in accordance with Federal, State, and local requirements and as described in the plan.
- e.** Facilities shall have the necessary security systems to prevent accidental or intentional entry which could cause a discharge. Security systems described in the plan shall address fencing, lighting, vehicular traffic control, and security of equipment and buildings.
- f.** Facility employees and contractor personnel that work in areas where SARA Title III, Section 313 water priority chemicals are used or stored shall be trained in and informed of preventive measures at the facility. Employee training shall be conducted at intervals specified in the plan, but not less than once per year, in matters of pollution control laws and regulations, and in the storm water pollution prevention plan and the particular features of the facility and its operation which are designed to minimize discharges of Section 313 water priority chemicals. The plan shall designate a person who is accountable for spill prevention at the facility and who will set up the necessary spill emergency procedures and reporting requirements so that spills and emergency releases of Section 313 water priority chemicals can be isolated and contained before a discharge of a Section 313 water priority

chemical can occur. Contractor or temporary personnel shall be informed of facility operation and design features in order to prevent discharges or spills from occurring.

- g.** The storm water pollution prevention plan for a facility subject to SARA Title III, Section 313 requirements for chemicals which are classified as 'Section 313 water priority chemicals' shall be reviewed by a Professional Engineer Registered in the State of South Carolina and certified by such Professional Engineer. A South Carolina Registered Professional Engineer shall recertify the plan every three years thereafter and as soon as practicable after significant modifications are made to the facility. By means of these certifications, the engineer, having examined the facility and being familiar with the provisions of this part, shall attest that the storm water pollution prevention plan has been prepared in accordance with good engineering practices. Such certifications shall in no way relieve the owner or operator of a facility covered by the plan of their duty to prepare and fully implement such plan.

D. Plan Modification

The BMP plan (and Storm Water Pollution Plan, as appropriate) required under this Permit must be modified within 14 calendar days of knowledge of any release . Modification includes but is not limited to provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the plan must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

E. Wastewater Discharge Sediment and Erosion Control.

The permittee shall take all practicable measures to ensure that the discharge of wastewater authorized by this Permit does not result in sediment and erosion control problems from the point of discharge to the point of mixing with the receiving stream.

Part IX. NUMERIC EFFLUENT LIMITATIONS

- A. For Discharges from Sand and Gravel Mines, Sand Mines, Dimension Stone Quarries, Crushed Stone Quarries and other mines or quarries which the Department determines to be nonmetallic heavyweight aggregates.

1. During the period beginning on the effective date of this Permit and lasting through the expiration date, the permittee is authorized to discharge: mine process wastewater, mine dewatering water, and storm water associated with the industrial activity of mining from outfall(s)

Such discharge shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	<u>Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency^B</u>	<u>Sample Type</u>
Flow, effluent	MR ^A (mgd)	MR ^A (mgd)	1/month	estimate ^C
Total Suspended Solids (TSS)	25 mg/l	45 mg/l	1/month	grab
Oil and Grease ^D	10 mg/l	15 mg/l	1/quarter	grab

^A MR = Monitor and Report only

^B Sampling shall be conducted when a discharge is occurring.

^C See Part IV. B.

^D For dimension stone or crushed stone quarries only, unless otherwise designated by the Department.

2. The pH shall be limited based the receiving stream classification as identified in *SC Regulation 61-68, Water Classification and Standards* and *SC Regulation 61-9, Classified Waters*. Monitoring frequency shall be once a month by grab sample. The pH limitations are as follows:
 - a. for discharges to water bodies classified as **Freshwaters (FW): not lower than 6.0 or above 8.5.**
 - b. for discharges to water bodies classified as **Freshwaters with site-specific standards (FW*): not lower than 5.0 or above 8.5.**
 - c. for discharges to water bodies classified as **Shellfish Harvesting Waters (SFH):** Shall not vary more than three-tenths (3/10) of a pH unit above or below that of effluent-free waters in the same geological area having a similar total salinity, alkalinity and temperature, but **not lower than 6.5 or above 8.5.**
 - d. for discharges to water bodies classified as **Tidal Saltwaters (SA or SB):** Shall not vary more than one-half (1/2) of a pH unit above or below that of effluent-free waters in the same geological area having a similar total salinity, alkalinity and temperature, but **not lower than 6.5 or above 8.5.**
3. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): prior to mixing with other waste streams or the receiving stream.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts, nor shall the effluent cause a visible sheen on the receiving waters.

B. For Discharges from Clay Pits, Fill Dirt Mines, Kaolin Pits, Vermiculite Mines, and other pits or mines which the Department determines to be nonmetallic lightweight aggregates.

1. During the period beginning on the effective date of this permit and lasting through the expiration date, the permittee is authorized to discharge: mine process wastewater, mine dewatering water, and storm water associated with the industrial activity of mining from outfall(s)

Such discharge shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency^B</u>	<u>Sample Type</u>
Flow, effluent	MR ^A (mgd)	MR ^A (mgd)	1/month	estimate ^C
Total Suspended Solids (TSS)	55 mg/l	110 mg/l	1/month	grab

^A MR = Monitor and Report only

^B Sampling shall be conducted when a discharge is occurring.

^C See Part IV. B.

2. The pH shall be limited based the receiving stream classification as identified in *SC Regulation 61-68, Water Classification and Standards* and *SC Regulation 61-9, Classified Waters*. Monitoring frequency shall be once a month by grab sample. The pH limitations are as follows:
 - a. for discharges to water bodies classified as **Freshwaters (FW): not lower than 6.0 or above 8.5.**
 - b. for discharges to water bodies classified as **Freshwaters with site-specific standards (FW*): not lower than 5.0 or above 8.5.**
 - c. for discharges to water bodies classified as **Shellfish Harvesting Waters (SFH):** Shall not vary more than three-tenths (3/10) of a pH unit above or below that of effluent-free waters in the same geological area having a similar total salinity, alkalinity and temperature, but **not lower than 6.5 or above 8.5.**
 - d. for discharges to water bodies classified as **Tidal Saltwaters (SA or SB):** Shall not vary more than one-half (1/2) of a pH unit above or below that of effluent-free waters in the same geological area having a similar total salinity, alkalinity and temperature, but **not lower than 6.5 or above 8.5.**
3. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): prior to mixing with other waste streams or the receiving stream.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts, nor shall the effluent cause a visible sheen on the receiving waters.

South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

FACT SHEET
APPLICATION FOR
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
PERMIT TO DISCHARGE TREATED WASTEWATER
TO STATE WATERS

Application No. SCG730000

Date: April 12, 2004

1. SYNOPSIS OF APPLICATION

a. Name and Address of Applicant

Those facilities which discharge groundwater (dewatering), storm water and/or mine process wastewater from nonmetallic mineral mining.

b. Facility Location

Within the geographic boundaries of the State of South Carolina.

c. Description of Applicant's Operation

Mine dewatering, storm water, and/or mine process wastewater from mining of sand, gravel, clay, fill dirt, kaolin, vermiculite mines or dimension stone or crushed stone quarries (or other nonmetallic mineral mining as approved by the Department on a case-by-case basis).

d. Receiving Water Name

FRESHWATERS (including Freshwaters with a site specific standard) and Saltwaters (Class SA and SB; and Shellfish Harvesting Waters (SFH), where approved) within the geographic boundaries of the State of South Carolina. Note: As defined in *SC Regulation 61-68, Water Classification and Standards*, *SC Regulation 61-69, Classified Waters*.

e. Description of Existing Pollution Abatement Facilities

Typically sediment pond(s) for sedimentation.

f. Permitting Action

Modification of a General Permit for mine discharges from nonmetallic mineral mines in the State of South Carolina to include storm water discharges at facilities that do not generate mine process wastewater or groundwater (dewatering).

2. PROPOSED EFFLUENT LIMITATIONS

See General Permit

3. RATIONALE FOR DETERMINING EFFLUENT LIMITATIONS

A. Type of Wastewater: mine dewatering (groundwater), storm water and mine process wastewater from sand and gravel mines, sand mines, dimension stone quarries and crushed stone quarries, and other heavyweight aggregate nonmetallic mineral mining facilities as determined by the Department.

1). Total Suspended Solids:

Using Professional Judgement: 40 CFR 436 Subpart D - Industrial Sand Category: with the exception of HF flotation, discharges of process wastewater pollutants from facilities that recycle wastewater for use in processing, shall not exceed average of daily values for 30 consecutive days (monthly average) 25 mg/l; maximum for any one day (daily maximum) of 45 mg/l. Because of the similarity of industrial sand and construction sand and gravel, this limit will be applied to both industrial sand, construction sand, or construction sand and gravel mines. Using Professional Judgement, this limit will also be applied to dimension stone and crushed stone quarries and other heavyweight aggregates.

Even though sampling is only required once per month, a daily maximum value is included so that if a facility samples more than once per month, an average and a maximum can be obtained. If a facility only samples once per month, the monthly average value will be required to be met.

2). pH:

40 CFR 436 Subpart B - Crushed Stone Subcategory: Discharges of mine process generated wastewater pollutants from facilities that recycle waste water for use in processing shall be within the range of 6.0 to 9.0 pH units. Mine dewatering discharges shall be within the range of 6.0 to 9.0 pH units.

Subpart C - Construction Sand and Gravel and Subpart D - Industrial Sand and Gravel: Discharges of mine process generated wastewater pollutants from facilities that recycle wastewater for use in processing shall be within the range of 6.0 to 9.0 pH units. Mine dewatering discharges shall be within the range of 6.0 to 9.0 pH units.

SC Regulation 61-68, *Water Classifications and Standards*: For Class FRESHWATERS: pH shall be between 6.0 and 8.5. For Class FRESHWATERS with a site specific standard: pH shall be between 5.0 to 8.5, pH units. 40 CFR 436, Mineral Mining, provides for an alternate pH: In the case of a discharge into receiving waters for which the pH, if unaltered by man's activities, is or would be less than 6.0 and water quality criteria in water quality standards approved under the Act authorize such lower pH, the pH limitation for such discharge may be adjusted downward to the pH water quality criterion for the receiving waters (but not less than 5.0). For Class SA and SB and SFH (saltwaters) pH shall be between 6.5 and 8.5.

Conclusion: In order to protect the stream standard, limit shall be based on SC Regulation 61-68: for Freshwaters, pH shall be between 6.0 and 8.5; for Class SA and SB and SFH

(saltwaters), pH shall be between, 6.5 and 8.5; and for class Freshwaters with a site specific standard, pH shall be between 5.0 to 8.5.

3). Oil and Grease:

Because most quarries have some type of equipment and vehicle maintenance activity conducted on-site, oil & grease will be required to be monitored once per quarter. Limits are 10 mg/l as a monthly average and 15 mg/l as a daily maximum (the daily maximum is given in the case that a facility samples more than once per month, if the facility samples only once per quarter the monthly average value will be required to be met). These limits are based on standard DHEC operating procedure based on a level of 10 mg/l of oil & grease normally resulting in a sheen on the surface of water.

B. Type of Wastewater: Mine dewatering (groundwater), storm water and mine process wastewater from clay, fill dirt, kaolin, vermiculite mines and other lightweight aggregates as determined by the Department:

1). Total Suspended Solids:

In discussions with EPA Effluent Guidelines Division, for total suspended solids: clays and other lightweight materials (such as vermiculite) historically on SC DHEC permits had been given limits of 55 mg/l (30 day average) and 110 mg/l (daily maximum). EPA did not object to these limits. Therefore the limits shall remain as previously permitted based on Professional Judgement.

Even though sampling is only required once per month, a daily maximum value is included so that if a facility samples more than once per month, an average and a maximum can be obtained. If a facility only samples once per month, the monthly average value will be required to be met.

2). pH:

SC Regulation 61-68, *Water Classifications and Standards*: For Class FRESHWATERS: pH shall be between 6.0 and 8.5. For Class FRESHWATER with a site specific standard, pH shall be between 5.0 to 8.5 pH units. For the category of mineral mining, 40 CFR 436 provides for an alternate pH: In the case of a discharge into receiving waters for which the pH, if unaltered by man's activities, is or would be less than 6.0 and water quality criteria in water quality standards approved under the Act authorize such lower pH, the pH limitation for such discharge may be adjusted downward to the pH water quality criterion for the receiving waters (but not less than 5.0). For Class SA and SB and SFH (saltwaters) pH shall be between 6.5 and 8.5.

Conclusion: In order to protect the stream standard, limit shall be based on SC Regulation 61-68: for FRESHWATERS, pH shall be between 6.0 and 8.5; for class FRESHWATER with a site specific standard, pH shall be between 5.0 to 8.5 and for Class SA and SB and SFH (saltwaters), pH shall be between, 6.5 and 8.5;

4. MONITORING REQUIREMENTS

A. Measurement Frequency:

Because most mine discharges are intermittent, measurement frequency shall be once per month when a discharge is occurring (except for oil and grease for quarries which is once per quarter).

B. Submission of Discharge Monitoring Reports:

For all facilities, discharge monitoring reports are to be recorded and maintained on-site. The on-site data must be updated by the 28th day of each month to include the previous month's discharge monitoring report. These reports are to be submitted to the Department on an annual basis. The reporting period runs from July 1 to June 30 and the discharge monitoring reports for this period are due the 28th day of the following July.

5. SCHEDULE FOR MEETING LIMITS

The permittee is to obtain compliance with the permit limitations and conditions on the effective date of the permit.

6. PROPOSED SPECIAL CONDITIONS WHICH WILL HAVE A SIGNIFICANT IMPACT ON THE DISCHARGE

Facilities which discharge to Outstanding National Resource Waters, Outstanding Resource Waters, or Trout Waters are not eligible for this Permit.

7. PERMIT DURATION

Five (5) years from the effective date of the permit.

8. PUBLIC NOTICE INFORMATION

A notification of this draft permit will be published in papers of statewide distribution on April 12, 2004. Please refer to the attached Public Notice for details regarding the procedures for a final permit decision, deadline for comments and other information regarding the final permit. Contact person: Melissa J. King (803)898-3236, Industrial, Agricultural, and Stormwater Permitting Division, Bureau of Water, SCDHEC. kingmj@dhec.sc.gov